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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/245,894 02/08/99 GALET

A P17485 *MT*

EXAMINER
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NEAS, M

ART UNIT	PAPER NUMBER
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3741

DATE MAILED:

08/08/00 *8*

007055  
GREENBLUM & BERNSTEIN  
1941 ROLAND CLARKE PLACE  
RESTON VA 20191

QM12/0808

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/245,894

Applicant(s)

Galet

Examiner

Michael A. Neas

Group Art Unit

3741



☒ Responsive to communication(s) filed on May 30, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 10-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 10, 14, 19, and 20 is/are rejected.

☒ Claim(s) 11-13 and 15-18 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments and arguments presented by the applicant have been duly noted and considered. In view of such, the previous rejections under 35 USC 112 and the previous rejections based on Dye et al are withdrawn. However, new claims 19 and 20 are rejected in view of Casale and claims 10 and 14 are rejected in view of prior art discovered during an update search.

In support of new claims 19 and 20, the applicant argues that Casale does not include a lever buckle and complimentary return buckle. These limitations are not recited in the claim and, therefore, the argument is not persuasive.

### ***Drawings***

2. The drawings are objected to because numeral "70" lacks a lead line in Figure 1 and Figure 10 includes a lead line with no corresponding reference numeral. Correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Grilliot et al '508.

Grilliot et al discloses the invention as claimed. Grilliot et al teaches a protective helmet having a main outer shell 14 and a holding and positioning arrangement comprising a set of flexible straps 48,68, a lever buckle 78 and a return buckle 44. With regard to claim 14, the return buckle 44 fixes the straps to the helmet shell and therefore the return buckle and straps are affixed to the shell in adjacent areas.

5. Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Casale.

Casale discloses the invention as claimed. Casale teaches a protective helmet having a shell 5 and a holding and positioning arrangement 1. The holding and positioning arrangement includes flexible straps 13,17 and a pulley mechanism 7. The holding and positioning arrangement further includes a chin strap 3 which is formed by the convergence on both sides of the helmet of left and right portions of front strap 17 and rear straps 13. A buckle 21 connects the points of convergence on either side of the helmet to one another. Front strap portions include a length adjustment mechanism 15 while rear straps utilize length adjustment mechanism 7. Pulley mechanism 7 includes an inverted Y-shaped connecting piece that connects the free ends of the rear strap.

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***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casale.

Casale discloses the invention substantially as claimed. However, the pulley mechanism 7 is not disclosed as being semi-rigid. It would have been obvious to one of ordinary skill in the art to form mechanism 7 from a semi-rigid material so that it can conform to a wearer's head as shown in the figures and be durable.

***Allowable Subject Matter***

8. Claims 11-13 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The rejections based on Casale may be overcome by perfecting applicant's claim for foreign priority under 35 USC 119. See MPEP 706.02(b).

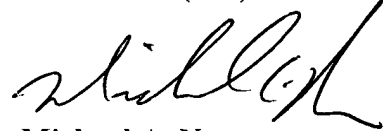
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***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Neas whose telephone number is (703) 308-0954. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, can be reached on (703) 305-1025. The fax phone number for this Group is (703) 305-3463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.



**Michael A. Neas  
Primary Examiner  
Art Unit 3741**

man  
August 7, 2000